# THE HONOUABLE SRI JUSTICE V.ESWARAIAH

**W.P. No. 13596 of 2007**

**Date:28-06-2007**

Between:

Rajesh Khanna Singh ..
**PETITIONER**

AND

The State of A.P. rep. By its Secretary, Prohibition & Excise Dept. Hyderabad and three others
..
**RESPONDENTS**

**ORDER**:

The petitioner seeks a writ of mandamus to declare the action of the respondents in not releasing the Bajaj Pulsar vehicle bearing registration No. AP-13-K-8749 by the 4th respondent, as illegal and arbitrary.

It is stated that the petitioner is the owner of the Bajaj Pulsar vehicle bearing registration No. AP-13-K-8749 involved in Crime No.868/06-07, dated 14.03.2007 of Station House Officer, Doolpet, Prohibition and Excise Department, Hyderabad for illegal transportation of 400 sachets of I.D. liquor. It is stated that on a report filed by the concerned Station House Officer, Doolpet, Prohibition and Excise Department, Hyderabad confiscation proceedings have been initiated by the Deputy Commissioner of Prohibition and Excise, Hyderabad in which the petitioner has made an application for interim custody of the said vehicle pending disposal of the confiscation proceedings. But, the said application has been dismissed by the Deputy Commissioner of Prohibition and Excise, Hyderabad vide his Proceedings Cr.No.C2/468/2007,dated 21.05.2007 rejecting the request of the petitioner to release the vehicle on interim custody.

Aggrieved by the said order, the petitioner filed an appeal before the Commissioner of Prohibition and Excise, Hyderabad. But, the said appellate authority has not passed any orders granting interim custody by disposing of the said appeal.

Aggrieved by the said action of the Commissioner of Prohibition and Excise, Hyderabad, this writ petition has been filed.

I am of the opinion that when an appeal has been filed for grant of interim custody, it is desirable to dispose of the appeal as expeditiously as possible. Further, whenever confiscation

proceedings are pending and without releasing the vehicle on interim custody, the confiscating authority shall also expedite the proceedings.

Having regard to the facts of the case, the writ petition is disposed of directing the first respondent to consider and dispose of the appeal filed by the petitioner against the order of the Deputy Commissioner of Prohibition and Excise, Hyderabad vide his Proceedings Cr.No.C2/468/2007,dated 21.05.2007 within two weeks from the date of receipt of a copy of this order and the Deputy Commissioner of Prohibition and Excise, Hyderabad shall also expedite the confiscation proceedings. No costs.

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**V.ESWARAIAH, J.**

Date:28.06.2007
ccm